

Entered -11-18-00 - sb  
CL 00L0707 - GWENDOLYN BURNS

CLAIM OF:

**AMBRE LAKE**  
482 Harold Avenue, NE  
Atlanta, Georgia 30307

01-*R*-0389

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on September 22, 2000 at 752 Ponce de Leon Avenue, NE.

THIS ADVERSED REPORT IS  
APPROVED

ADVERSED REPORT  
CITY COUNCIL MAR 19 2001

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED REPORT

1. *Public Safety*

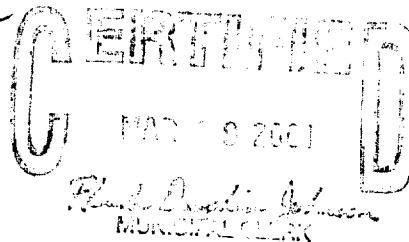
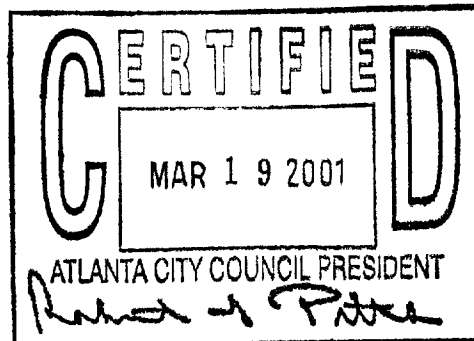
DATE *3/13/01*

BY: *C. T. Martin*

*Michael Smith*

*Catala Trivelpiece*

*Worley*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

April 30, 2001

Ambre Lake  
482 Harold Ave., NE  
Atlanta, GA 30307

**01-R-0389**

Dear Ms. Lake:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0707

Date: February 27, 2001

Claimant /Victim AMBRE LAKE

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 482 Harold Avenue, NE, Atlanta, Georgia 30307

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 56.25 Bodily Injury \$ unspecified

Date of Notice: 11/8/00 Method: Written, Proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/22/00 Place: 752 Ponce de Leon Avenue, NE

Department \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove through a sink hole in the roadway that was under construction and left in an unsafe condition. An investigation determined that Atlanta Gas Light performed work at the incident location. Claimant has been advised of same and her claim has been forwarded to the utility company for resolution.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

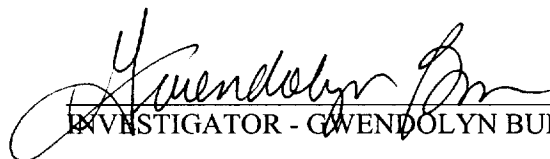
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 03-31-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10-9-00

Dear Municipal Clerk:

ENTERED - 11-18-00 - SB  
00L0707 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 56.25 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 9-22-00 (month/day/ year) 2. Time of Incident: 7:00pm 3. Police called: called public works nobody answered Yes X No

4. Location of incident (including street address): 752 Ponce de Leon

5. Name of your insurance company: Progressive Insurance Policy No. \_\_\_\_\_

6. State what and how incident occurred: letter is attached

Hit pothole on Ponce de Leon which blew my tire and knocked my car out of line.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title). Alabama

Your vehicle: Toyota, Celica 1986 43CH294 Ambre Lake  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (none)  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Terry Simmons 752 Ponce de Leon 404-607-0071  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Ambre Lake  
Signature of Claimant

Ambre Lake  
(Print Claimant's Name)

482 Harold Ave NE  
(Address)

Atlanta, Ga 30307  
(City, State and Zip Code)

404-373-0390 / 404-373-846  
(Work Number) (Home Number)

**Ambre R. Lake**

482 Harold Ave NE  
Atlanta, GA 30307  
Phone: 404-373-8497  
Work: 404-373-3904  
lakeambr@hotmail.com

November 2, 2000

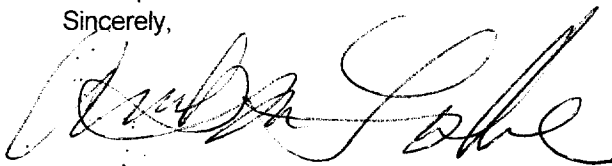
Council of the City of Atlanta  
Municipal Clerk  
City Hall  
55 Trinity Avenue, SW  
Atlanta, GA 30335

Dear Municipal Clerk:

An incident occurred with my car on Friday, September 22, 2000. I hit a pothole, which popped my tire, on Ponce de Leon directly in front of a business named **Marco's Pita**. Fortunately, two men, one named Terry Simmons helped me immediately to fix the tire, Justin, the other kind gentleman called into the city of Atlanta to report it. Unfortunately, there was no response. According to the two men, my car was not the first that day to hit the pothole and knock out their tire—I was the eighth car that day.

I fixed the tire, however it also knocked my car out of line. Unfortunately, I have not had the money to fix this also. Please examine this report so we can rectify this situation. I would like to completely fix my car as soon as possible. If you should have any questions, please call.

Sincerely,



Ambre Lake

01-*R*-0389

RCS# 2725  
3/19/01  
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

|           |           |           |             |
|-----------|-----------|-----------|-------------|
| Y McCarty | Y Dorsey  | Y Moore   | Y Thomas    |
| Y Starnes | Y Woolard | Y Martin  | Y Emmons    |
| NV Bond   | Y Morris  | Y Maddox  | B Alexander |
| Y Winslow | NV Muller | Y Boazman | NV Pitts    |

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0067

Woolard & Morris voted Nay on the  
following items:

01-R-0379  
01-R-0392  
01-R-0393  
01-R-0394  
01-R-0395  
01-R-0396

CONSENT

RCS# 2726  
3/19/01  
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*  
*#1*

Pages 1 thru 15

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

|           |           |           |             |
|-----------|-----------|-----------|-------------|
| Y McCarty | Y Dorsey  | Y Moore   | Y Thomas    |
| Y Starnes | Y Woolard | Y Martin  | NV Emmons   |
| NV Bond   | Y Morris  | Y Maddox  | B Alexander |
| Y Winslow | NV Muller | Y Boazman | NV Pitts    |

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0067  
01-O-0354

Woolard & Morris voted Nay on the  
following items:

01-R-0379  
01-R-0392  
01-R-0393  
01-R-0394  
01-R-0395  
01-R-0396

CONSENT

RCS# 2753  
3/19/01  
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*  
*#2*

Pages 1 thru 15

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

|            |           |           |             |
|------------|-----------|-----------|-------------|
| NV McCarty | Y Dorsey  | Y Moore   | Y Thomas    |
| Y Starnes  | Y Woolard | Y Martin  | Y Emmons    |
| Y Bond     | Y Morris  | Y Maddox  | B Alexander |
| Y Winslow  | Y Muller  | Y Boazman | NV Pitts    |

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0067  
01-O-0354  
01-O-0188

Woolard & Morris voted Nay on the  
following items:

01-R-0379  
01-R-0392  
01-R-0393  
01-R-0394  
01-R-0395  
01-R-0396

CONSENT



|                                    |  | 03/19/01 Council Meeting                 |
|------------------------------------|--|--|
| ITEMS ADOPTED ON<br>CONSENT AGENDA | ITEMS<br>ADOPTED ON<br>CONSENT<br>AGENDA | ITEMS<br>ADVERSE<br>ON CONSENT<br>AGENDA |
| 1. 01-O-0306                       | 39. 01-R-0397                            | 57. 01-R-0437                            |
| 2. 01-O-0445                       | 40. 01-R-0398                            | 58. 01-R-0438                            |
| 3. 01-O-0449                       | 41. 01-R-0399                            | 59. 01-R-0375                            |
| 4. 01-O-0450                       | 42. 01-R-0400                            | 60. 01-R-0376                            |
| 5. 01-O-0098                       | 43. 01-R-0401                            | 61. 01-R-0377                            |
| 6. 01-O-0178                       | 44. 01-R-0402                            | 62. 01-R-0378                            |
| 7. 01-O-0302                       | 45. 01-R-0403                            | 63. 01-R-0379                            |
| 8. 01-O-0367                       | 46. 01-R-0404                            | 64. 01-R-0380                            |
| 9. 00-O-1987                       | 47. 01-R-0405                            | 65. 01-R-0381                            |
| 10. 01-O-0448                      | 48. 01-R-0406                            | 66. 01-R-0382                            |
| 11. 00-O-2069                      | 49. 01-R-0407                            | 67. 01-R-0383                            |
| 12. 01-O-0446                      | 50. 01-R-0408                            | 68. 01-R-0384                            |
| 13. 01-O-0187                      | 51. 01-R-0409                            | 69. 01-R-0385                            |
| 14. 01-O-0294                      | 52. 01-R-0410                            | 70. 01-R-0386                            |
| 15. 01-R-0411                      | 53. 01-R-0433                            | 71. 01-R-0387                            |
| 16. 01-R-0412                      | 54. 01-R-0434                            | 72. 01-R-0388                            |
| 17. 01-R-0413                      | 55. 01-R-0435                            | 73. 01-R-0389                            |
| 18. 01-R-0414                      | 56. 01-R-0436                            | 74. 01-R-0390                            |
| 19. 01-R-0420                      |  | 75. 01-R-0391                            |
| 20. 01-R-0421                      |  | 76. 01-R-0392                            |
| 21. 01-R-0475                      |  | 77. 01-R-0393                            |
| 22. 01-R-0428                      |  | 78. 01-R-0394                            |
| 23. 01-R-0429                      |  | 79. 01-R-0395                            |
| 24. 01-R-0477                      |  | 80. 01-R-0396                            |
| 25. 01-R-0220                      |  | 81. 01-R-0440                            |
| 26. 01-R-0430                      |  | 82. 01-R-0439                            |
| 27. 01-R-0447                      |  |  |
| 28. 01-R-0452                      |  |  |
| 29. 01-R-0458                      |  |  |
| 30. 01-R-0417                      |  |  |
| 31. 01-R-0426                      |  |  |
| 32. 01-R-0427                      |  |  |
| 33. 00-R-1466                      |  |  |
| 34. 01-R-0416                      |  |  |
| 35. 01-R-0419                      |  |  |
| 36. 01-R-0424                      |  |  |
| 37. 01-R-0108                      |  |  |
| 38. 01-R-0189                      |  |  |